

Untitled

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

)

Investigation by the Department of Telecommunications and)

Energy on its own motion pursuant to G.L. c. 159, §§12 and 16,) D.T.E. 01-34

into Verizon New England Inc., d/b/a Verizon Massachusetts')

provision of Special Access Services.)

)

REPLY COMMENTS OF

CONVERSENT COMMUNICATIONS OF MASSACHUSETTS, LLC

Conversent Communications of Massachusetts, LLC ("Conversent") hereby replies to the comments filed by Verizon-Massachusetts ("VZ-MA"), AT&T Communications of New England, Inc. ("AT&T"), CTC Communications Corporation, Level 3 Communications, LLC, XO Massachusetts, Inc., Paetec Communications, Inc., Allegiance Telecom of Massachusetts, Inc., Cable and Wireless USA, Inc. and Global Crossing North America, Inc.

All of the market entrants above support Conversent's motion to expand the Department's investigation to include VZ-MA's provisioning of high capacity loops. On the other hand, VZ-MA opposes such motion on the grounds that: (i) the Department has already adopted performance standards for unbundled network elements; and (ii) "parity" and "not an absolute measure of performance" is the applicable standard for measuring VZ-MA's performance for provisioning high capacity loops. As will be discussed more fully below, parity is not the standard typically used by VZ-MA, or other ILECs, for measuring the provisioning of unbundled loops. Moreover, VZ-MA's DTE 17 Tariff has a six- (6) day interval for provisioning DS-1 loops that VZ-MA routinely ignores. This alone tends to demonstrate that the high capacity loop metrics set forth in the Carrier to Carrier Guidelines (which apparently do not follow VZ-MA's DTE 17 intervals) and Performance Assurance Plan are simply not working.

Untitled

A. Parity Is Not The Standard Typically Used By VZ-MA For Provisioning Unbundled Loops

VZ-MA's position is that it is required to provide access to unbundled loops, including unbundled high capacity loops, according to a standard of "parity." VZ-MA comments at 4. VZ-MA urges the Department to deny Conversent's motion to the extent it seeks an absolute performance standard; and ultimately a corresponding penalty, that would require VZ-MA to provide high capacity unbundled loops within a set period, regardless of the level of service VZ-MA provides for its own retail operations. According to VZ-MA, this would require it to provide services to CLECs that are superior in quality to those VZ-MA provides to its own customers. Each of VZ-MA's assertions are false. Parity is the proper standard for measuring VZ-MA's performance in provisioning those network elements for which there is an analogous VZ-MA retail service. However, VZ-MA has stated many times that there is no analogous retail service to the unbundled loops it provides to CLECs. According to VZ-MA, this is because it does not provide unbundled loops to its retail customers, rather it provides end-to-end service. In recognition of this fact, VZ-MA's Carrier to Carrier Guidelines establishes a five- (5) day interval for evaluating the provisioning of unbundled POTS loops. See, PR-2-01. In order for its performance to be satisfactory, VZ-MA must meet this five- (5) day interval at least ninety-five percent (95%) of the time. VZ-MA's interval for provisioning unbundled DSL loops to CLECs is six (6) days. This too, is established in the Carrier to Carrier Guidelines. See, PR-3-10. It is critically important to CLECs that they be able to count on Verizon to cut-over and install unbundled loops within firm standard intervals. This is true for POTS loops, DSL loops and high capacity loops. Without standard intervals, CLECs can not tell their potential customers with reasonable certainty when their service will be installed.

B. High Capacity Loops Are Like POTS Loops With Additional Electronics

The FCC has recognized that high capacity loops have basically the same essential characteristics of regular loops: they transmit a signal from the central office to the subscriber, or vice versa. In a DS-1 loop, for example, the attached electronics boost the wire's capacity, but the wire facility used for transmission of the traffic is indistinguishable from any other copper wire⁽¹⁾. In ruling that ILECs are required to provide access to DS-1 loops, the Department was attempting to promote the deployment of advanced services:

"We continue to believe that access to these high capacity lines is necessary for ubiquitous deployment of high speed services, including high speed internet access. We therefore agree with competitive LECs that failing to assure access to high capacity loops would impair their ability to provide the services that they seek to offer in broadband service markets."⁽²⁾

It is critical that VZ-MA commit to providing access to DS-1 loops within commercially reasonable intervals. If CLECs can not depend on VZ-MA for date-certain, reasonable intervals there will be no competitive level playing field

Untitled

for advanced services in Massachusetts.

C. Unlike its Metrics for POTS Loops and DSL Loops, VZ-MA's Carrier-to-Carrier Metrics for Provisioning DS-1 Loops Have No Express Standard Interval.

VZ-MA's carrier-to-carrier metrics for the provisioning of DS-1 and DS-3 loops are contained in "PR-1-07 Average Interval Offered - DS-1"; "PR-1-08 Average Interval Offered - DS-3"; "PR-2-07 Average Interval Completed - DS-1" and "PR-2-08 Average Interval Completed - DS-3." The problem with these metrics is that they are based purely on a parity standard and fail to offer a specific number of days in which VZ-MA will complete the installation. As stated above, VZ-MA's Carrier-to-Carrier Guidelines does not use parity for measuring the provisioning of unbundled POTS loops or xDSL loops.

As the FCC has stated, DS-1 loops are just like regular POTS loops, except that they have electronics attached to them to expand bandwidth. Importantly, the metric for POTS loops in VZ-MA's Carrier to Carrier Guidelines includes an express standard interval, five (5) days. PR-2-01. Similarly, Metric PR-3-10 provides that VZ-MA will complete xDSL loops within six (6) days. The standard for meeting these intervals is 95%. The same kind of metric should be applied to DS-1 loops that apply to regular POTS loops and DSL loops. As will be discussed more fully below, Conversent's specific recommendation is that the Department order VZ-MA to include a metric for DS-1 loops that is "percentage completed in six (6) days."

D. The Department Should Direct VZ-MA to Offer a Standard Interval of (6) Business Days for Installing DS-1 Loops.

The Department of Justice has stressed that CLECs need to be able to rely on firm order commitments from ILECs for the installation of loops in order to have a meaningful opportunity to compete. This is critical regardless of whether a CLEC is ordering a regular analogue loop for POTS service, a DS-1 loop or a DSL loop. Unfortunately, VZ-MA's Carrier to Carrier Guidelines fail to specify, up front, the number of days in which VZ-MA will provide CLECs with DS-1 loops. This omission makes it very difficult for CLECs, in turn, to be able to tell their customers when their retail service will be installed. Conversent urges the Department to cure this deficiency by ordering VZ-MA to include in its Carrier to Carrier Guidelines a standard interval of six (6) days for providing CLECs with DS-1 loops and an appropriate penalty for failure to meet such an interval. As with POTS loops and xDSL loops, VZ-MA should be required to meet this interval 95% of the time.

Importantly, VZ-MA's Wholesale Tariff in Massachusetts ("DTE Tariff 17") specifies

Page 3

Untitled

that DS-1 loops that are ordered in quantities of 9 or less will be made available to CLECs within six (6) days. Unfortunately, a flaw in VZ-MA's Carrier to Carrier Guidelines is that the DS-1 provisioning metrics in such Guidelines do not contain such a six- (6) day interval. As a result, VZ-MA does not treat the six- (6) day interval in its Massachusetts DTE Tariff 17 seriously.

E. SBC's Metrics Include a Standard Interval for Providing Up to 10 DS-1 Loops Within Three (3) Days.

There is a precedent for establishing standard intervals for the provisioning of high capacity loops. In Texas, SBC's Carrier to Carrier Metrics include Performance Measurement 56 which provides a standard interval of three (3) days for orders with 1-10 loops; seven (7) days for orders with 11-20 loops; and ten (10) days for orders with over 20 loops. SBC's performance is satisfactory to the extent it meets these measurements at least 95% of the time. Attached to this letter, as Exhibit 2 is a copy of SBC's Performance Measurement 56.

In closing, Conversent urges the Department to help insure the development of a competitive market for advanced services by making sure VZ-MA understands it has a responsibility to provide CLECs with DS-1 loops within six (6) days. Thank you for your consideration of this matter of great importance to CLECs in Massachusetts.

Respectfully submitted,

Conversent Communications of Massachusetts, LLC

By its attorneys,

Scott Sawyer

Conversent Communications of Massachusetts, LLC

222 Richmond Street, Suite 301

Providence, RI 02903

(401) 490-6377 (v)

(401) 272-9751 (f)

Untitled

Dated: April 30, 2001

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2001, a copy of the within document was sent by first class mail, postage prepaid and/or by overnight courier to each person designated on the attached service list.

1.

1 See, UNE Remand Order, Paragraph 176.

2.

2 Id.